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**THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA <i>ex rel.</i> ROBERT A. CUTLER,  Plaintiff,  v.  CIGNA CORP. <i>et al.</i> ,  Defendants.	17 Civ. 7515 (KMK)  <b>UNDER SEAL</b>
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**NOTICE OF THE UNITED STATES THAT IT IS DECLINING IN PART AND  
NOT INTERVENING AS TO THE REMAINING CLAIMS AT THIS TIME**

By Order dated December 27, 2019, the Court extended the time for the United States (the “Government”) to notify the Court of its decision whether to intervene in the above-captioned action, or decline to do so, to February 25, 2020, and stated that “there will be no more extensions.” Based on this Order and the Government’s investigation conducted to date, the Government hereby notifies the Court that it has decided to decline as to certain of the claims and allegations in the *qui tam* relator’s amended complaint and not to intervene at this time as to the relator’s remaining allegations and claims.

Specifically, the Government has elected to decline as to the relator’s claims insofar as he asserts that when defendants submitted diagnosis codes based on so-called 360 “nurse

home visits” to CMS for risk-adjustment payment purposes under Medicare Part C, they committed *per se* violations of the False Claims Act (“FCA”) because the nurse home visits did not involve the provision of medical treatment.

Further, the Government has decided not to intervene at this time as to any of the other allegations and claims asserted by the relator in his amended complaint.

In addition, pursuant to 31 U.S.C. § 3730(c)(3), the Government requests that all pleadings and briefs filed in this action be served upon the Government. The Government further requests that the Court direct the relator’s counsel to serve on the Government any orders issued by the Court. The Government reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the relator’s action.

The Government also requests that it be served with any notices of appeal.

Dated: New York, NY  
February 25, 2020

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